

Message Text

UNCLASSIFIED

PAGE 01 HAMBUR 00979 091626Z

60

ACTION SCSE-00

INFO OCT-01 ISO-00 EUR-06 /007 W
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R 091605Z AUG 74
FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 3090

UNCLAS HAMBURG 0979

E. O. 11652: N/A
TAGS: CGEN GW
SUBJ: LETTERS ROGATORY

FOR LAW OFFICES

LINDE THOMSON VAN DYKE FAIRCHILD & LANGWORTHY
FLOOR THREE COLUMBIA UNION BANK BUILDING
900 WALNUT STREET
KANSAS CITY, MISSOURI 64106
ATTN: MR. ALBERT W. THOMSON

RE: MIDLAND AIRCRAFT, INC. VS THE POTOMAC INSURANCE COMPANY
YOUR LETTER OF JULY 30, 1974

1. LETTERS ROGATORY HAVE BEEN PASSED TO AMTSGERICHT (LOCAL COURT)
HAMBURG.

2. PRELIMINARY INFORMATION RECEIVED FROM AMTSGERICHT IS THAT
DECISION ON GRANTING JUDICIAL ASSISTANCE MAY DEPEND ON PRIOR
SUBMISSION TO THE COURT OF SUBJECT OF DEPOSITION AND OF
INTERROGATORIES IN ORDER FOR THE COURT TO EXERCISE ITS CUSTOMARY
FUNCTION OF ITSELF PUTTING THE QUESTIONS, SINCE PART OF THE
COURT'S RESPONSIBILITY IS TO AVOID IMPERMISSIBLE QUESTIONS.
IN GERMAN COURTS THE QUESTIONS ARE NORMALLY ASKED BY THE JUDGE
AND NOT BY THE ATTORNEY.

3. IN THE ABSENCE OF A JUDICIAL TREATY BETWEEN THE UNITED
STATES AND THE GERMAN FEDERAL REPUBLIC, THE AMTSGERICHT WILL
NOT BE IN A POSITION TO COMPELL THE DEONENTS TO TESTIFY IN THIS
CIVIL MATTER. THE DEONENTS' TESTIMONIES CAN ONLY BE OBTAINED
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ON A VOLUNTARY BASIS.

4. IT WILL NOT BE POSSIBLE FOR THE AMTSGERICHT TO HOLD THE DEPOSITION BEFORE MIDDLE OF OCTOBER AT THE EARLIEST.

5. CONSULTATE WILL ADVISE FURTHER AS SOON AS POSSIBLE.

6. INTERESTED PARTY.BROGAN

NOTE BY OC/T: NOT PASSED ABOVE ADDEE.

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974HAMBUR00979
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740218-1168
From: HAMBURG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740861/aaaacagk.tel
Line Count: 70
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags:
Review Date: 06 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 JUN 2002 by reddocgw>; APPROVED <22 JAN 2003 by martinjw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LETTERS ROGATORY FOR LAW OFFICES
TAGS: CGEN, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005